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UNITED STATES SOUTHERN DISTRICT COURT
OF THE STATE OF NEW YORK
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Shakur D. Gannaway : S.D. OF N.Y.
Plaintiff :
Vs : Civil No.
People of New York :
Respondents :

PETITION FOR WRIT OF ERROR
CORAM NOBIS

Please take notice that above named defendant, Shakur D. Gannaway hereby moves the court for an issuance of a Writ of Error Coram Nobis on the ground that defendant Mr. Gannaway was convicted of a crime of robbery in 1991, February 7, 1990, and appealed to this court which affirmed his conviction and that the misrepresentation of Michael D. Stalonist on appeal was "procedural defaulted" by misrepresentation set out in his Sixth Amendment of the United States constitution. Speedy trial violation. Due process violation, Baston claims, deliberate ineffective prejudice by court appointed attorney.

Despite representation afforded only by a ATB to Mr. Gannaway was intentionally defective especially when DNA and an Alibi of being in a hospital, where Ricardo Castro was stabbed while on a subway train at bowling green and fell out unconsciously on the bus on our way to Staten Island, where Mr. Gannaway carry him to the ambulance where he was at the hospital in Staten Island despite the witness and the bus driver. The court appointed attorney Michael D. Stalonist despite fully refusing to investigate these facts I was railroaded like the central park five except I didn't plead guilty, I went to trial and did not have no lawyer on the plead in Bronx County. When I was also railroaded and was not appointed counselor. I was railroad on that charge as well, when the bail was set at one dollar I was only 17 at that time.

Furthermore, despite me requesting him to investigate the alibi not to mention the inconsistent in the only witness Mr. Rod Strickland who stage the robbery and intended to committed perjury and Mr. Michael D. Stalonist and the Judge in part 52 of the Supreme Court located at 100 Centre Street the railroading of Mr. Gannaway and Mr. Castro. The so call perjury and circumstantial statutory provision elements not proven the wrongfully convicted wasn't sitting in McDonald located at 6 Water Street and only one manager code was use which is tracked by a alarm system. The evidence is more then perjury and contradicts evidence given by the Head District Attorney, Mr. Robert Morgantueau who ignored the fact that the factual evidence of who code was enter show that the 3 to 9 year sentence. Mr. Gannaway was given was a contradiction and Two (2) innocent men was wrongfully railroad. All attempts to file Pro-Se appeals was abandon by court appointed attorney or where intercepted by court, government officials, especially the head District Attorney, Robert Morgantueau, corrupted government officials. This outright total disregard to these facts proves black lives don't matter showing a total disregard to exonerating those that was wrongful convicted like the central park (5). Especially how this conviction is still use against me in my current case pending in Berks County, Reading, Pennsylvania, to increase my prior record score and all charge where illegally obtain.

Whereas, Rod Strickland deliberately committed perjury and commit fraud and stage the crime at 6 Water Street and should be held liable financial and Mr. D. Gannaway and Mr. Ricardo Castro should be expunge from the wrongful conviction and impose immediate release and compensation of \$4000.00 a day for the false imprisonment and incarceration not to mention the miscarriage of justice and mental anguish endure by being wrongfully convicted in the interest of justice. In the supposedly land of the free and home of the mentally enslaved, for people of color, the new "Jim Crow" another form of enslavement. Therefore, trying to seek pardon's as

well as there being no statute of limitation on a miscarriage of justice or a truly innocent person.

This motion is made and based on the petition of the affidavit of Mr. Gannaway and Mr. Ricardo Castro and on the appellate brief and the appellate division abandonment of the court appointed official "Jim Crow" method use against those who are not financial able to afford competent attorney's who're deliberately railroaded someone who's was property of the system and foster care who was told either you would be on welfare or in prison. You would never amount to any thing other than a nobody and still be on welfare. Leon Cobbs-pension who was at trial when I was railroad by the racist criminal justice system who constantly because of ignorance not being able to gain any financial gain. Never receiving a chance but the attempts to go Pro-Se. For a miscarriage of justice being corrected and a cry for help in a miscarriage of justice, finally with so much time passing. I was force to pay a filing fee which I file as Pro-Se person. They claim I had to wait until after I paid the full filing fee, the judge dismiss it with prejudice.

After evidence show throughout the duration of the trial which was transcribe how the statutory elements of serious bodily injuries or any medical treatment truly showed no evidence of a stage crime which was really committed by Mr. Rod Strickland and not the wrongfully convicted, even the manager who testify for the head district attorney testify about handcuffs being stage fraudulent robbery made up by Mr. Rod Strickland. However the security system only showed Mr. Rod Strickland code being punch in on that day only, since him and Mr. Castro had different codes that they both only knew it was a outright impossible contradiction when Mr. Strickland claim Mr. Gannaway and Mr. Castro was in the McDonalds when he punch in his code, when another alibi and other witness Ms. Sharon and her friend Wendy who resided in Bayridge Brooklyn located at 59th and 4th street in Brooklyn could have testify of Mr. Castro and Mr. Gannaway being at their house, when Mr. Castro was bleeding all over her house especially on her walls

in her house and she was also screaming a fact proving Mr. Rod Strickland stage every thing. All attempts made to reopen this miscarriage of justice was ignored for 32 years. Where the two witnesses who was our alibi work at the McDonalds as well as district attorney Mr. Robert Morgantueau insist upon claiming we waive our right to get our alibi investigated.

Mr. Gannaway and Mr. Castro requests assignment of new appellate counsel for assistance in presentation of the Writ moved for herein. Since "procedural default" is the act of court appointed attorneys doing what they want in wrongful convictions mostly at any cost of financial gain against indigent people of color at any cost. The "procedural default" of deliberate abandonment make a "Prima Facia" case of innocence non waivable, despite all the effort made to try and get the case reopen, vacation of sentence and conviction is essential and fair up until this point for the long period of time of Pro-Se efforts being deliberately ignore because institutionalize racist still existing against mainly people of color.

Whereas, the evidence of fact of the records of being in the hospital and not in the McDonalds. Where the so call crime took place proves such. Especially, the facts despitefully ignored by the trial judge and the head district attorney, Mr. Robert Morgantueau.

I swear under the penalty of perjury the foregoing is true and correct.

Submitted By,

Shakur Derrin Gannaway
JR6873 / K-BLOCK / 28 CELL

Shakur D. Gannaway, Pro-Se

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Date:- September 08, 2021

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